

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

ELIZABETH A. REESE,
Plaintiff,

Case No. 1:23-cv-56
Black, J.
Litkovitz, M.J.

vs.

DENIS MCDONOUGH, SECRETARY,
U.S. DEPARTMENT OF VETERAN'S
AFFAIRS, et al.,
Defendants.

REPORT AND RECOMMENDATION

This matter is before the Court on plaintiff's motion to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a)(1) in connection with an employment discrimination suit. (Doc. 2). Plaintiff's sworn declaration states that she is employed and earns \$4,410 per month and has \$29,000 in assets. (Doc. 2 at PAGEID 17-18). Plaintiff's motion also states, "I can pay the filing fee." (Doc. 2 at PAGEID 18).

Plaintiff's complaint also states that plaintiff will pay the filing fee:

I am paying the \$402.00 filing fee. I understand that I am responsible to notify the defendant about this case as required by Federal Rule of Civil Procedure 4. [If you want the clerk to sign and seal a summons, you need to prepare the summons and submit it to the clerk.]

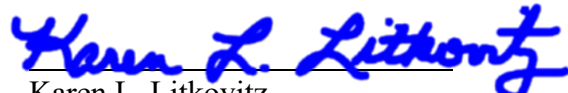
(Doc. 1 at PAGEID 4). Given plaintiff's representations that she will pay the filing fee, it is therefore recommended that plaintiff's motion to proceed *in forma pauperis* should be denied.

IT IS THEREFORE RECOMMENDED THAT:

1. Plaintiff's motion to proceed *in forma pauperis* be **DENIED**.
2. If this recommendation is adopted, that plaintiff be **GRANTED** an **EXTENSION OF TIME** of thirty (30) days from the date of any Order adopting the Report and Recommendation to pay the required filing fee of \$402.00. Plaintiff should be notified that her complaint will not

be deemed “filed” until the appropriate filing fee is paid, *see Truitt v. County of Wayne*, 148 F.3d 644, 648 (6th Cir. 1998), and that if she fails to pay the filing fee within thirty (30) days this matter will be closed.

Date: 2/6/2023


Karen L. Litkovitz
United States Magistrate Judge

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

ELIZABETH A. REESE,
Plaintiff,

Case No. 1:23-cv-56
Black, J.
Litkovitz, M.J.

vs.

DENIS MCDONOUGH, SECRETARY,
U.S. DEPARTMENT OF VETERAN'S
AFFAIRS, et al.,
Defendant

NOTICE

Pursuant to Fed. R. Civ. P. 72(b), **WITHIN 14 DAYS** after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations. This period may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring on the record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon, or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections **WITHIN 14 DAYS** after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).